

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.236 OF 2016

Kajesh Nazar Pawar & Ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Ms Savita A. Prabhune for the Applicants.

Ms G.P. Mulekar, APP for the Respondent-State.

Mr. Rahul Kate for the Intervenor/original complainant.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 22nd FEBRUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicants apprehending their arrest in C.R. No.387 of 2015 registered at Yavat Police Station, District- Pune, for offences punishable under sections 307, 143, 147, 148, 149, 324, 504 and 506 of the IPC.

2. I have perused the records and considered the submissions advanced by the learned counsels for the Applicants and the Intervenor/complainant learned APP for the Respondent -State. The records prima facie indicate that on 20.12.2015 the Applicants herein alongwith the other co-accused had formed an unlawful assembly

armed with deadly weapons such as swords, knives, etc. and had assaulted Swapnil Bhosale and others and there by attempted to cause their death. The FIR as well as the statements of the witnesses prima facie reveal that the co-accused Pravin had inflicted injury on Surendra whereas the co-accused Suresh had inflicted injury on the complainant-Swapnil Bhosale. The co-accused and the Applicants herein are alleged to have inflicted injuries by means of sticks and further abused the complainant and his brother and other persons, who had accompanied the complainant.

3. The medical certificate prima facie reveals that Surendra had sustained a large deep wound on the back, expanding from back of thorax to left renal angle. The said injury had exposed his spine. The medical certificate indicates that said Surendra was admitted in the hospital for 24 days. The medical certificate of Swapnil also indicates that he had sustained CLW over right buttock, which was caused by sharp weapon. The injuries are stated to be grievous in nature. As regards the other persons are concerned, injuries sustained by Satish Divekar, Ajit Divekar, Santosh Divekar, Yuvraj Divekar and Shankar Pawar were simple in nature. Considering the fact that the Applicants were not armed with any deadly weapons and not involved in inflicting

the injuries on Surendra and Swapnil, in my considered view the Applicants are entitled for bail.

4. Under the circumstances, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. No.387 of 2015 registered at Yavat Police Station, District- Pune, the Applicants are ordered to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety each to the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Daund.
- (ii) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation and interrogation.
- (iii) The Applicants shall not interfere with the complainant, other injured and the witnesses in any manner.
- (iv) The Applicants shall not leave District-Pune, till filling of the charge-sheet, without prior permission of the J.M.F.C., Daund.

(ANUJA PRABHUDESSAI, J.)